

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JAMES CARMICHAEL, DARRYL HOWARD,  
STEVEN HOWARD, AND TERRENCE  
MASON,

Plaintiffs,

v.

BRAGGS LUMBER & TIMBERS COMPANY,  
INC., a corporation licensed and doing  
business in the State of Alabama,

Defendant.

Civil Action No.: 2:07-CV-976-WKW

RESPONSE TO MOTION TO AMEND

Comes now the Defendant in response to the Plaintiff's motion to add two additional Plaintiffs and does not object to consolidating the claims of all Plaintiffs for purposes of discovery but moves that the claims of the two additional Plaintiffs sought to be added be severed from the original Plaintiffs for purposes of trial on the grounds that the claims of the new Plaintiffs arose at different times and under different circumstances.

/s/ Lewis S. Hamilton

LEWIS S. HAMILTON

505 E. Commerce Street

Greenville, Alabama 36037

Phone: (334) 382-3372

Fax: (334) 382-2770

pandh@elmore.rr.com

ASB-7032-075L

**OF COUNSEL:**

**Powell & Hamilton  
Post Office Drawer 9  
Greenville, Alabama 36037  
(334) 382-3372 (Voice)  
(334) 382-2770 (Fax)**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this the 21<sup>st</sup> day of January, 2008, served a copy of the foregoing to all attorneys of record by e-filing notification: K. Anderson Nelms, Attorney for Plaintiffs, 847 So. McDonough Street, Ste 100, Montgomery, Alabama 36104

**/s/Lewis S. Hamilton**

**OF COUNSEL**